



Fact Sheet

Rule for Agricultural Burning Permits (40 Code of Federal Regulations Part 49 Section 133)

Federal Air Rules for Indian Reservations in Idaho, Oregon, and Washington

What is the FARR? The Federal Air Rules for Indian Reservations in Idaho, Oregon, and Washington, also called the FARR, is a set of air quality regulations established under the Clean Air Act. The FARR creates rules to manage activities that cause air pollution.

The FARR applies to all residents (both tribal members and non-tribal members) and businesses located within the exterior boundaries of reservations in Idaho, Oregon, and Washington. The ownership status of land on the reservation does not affect how the rules apply.

What will the FARR do? The FARR will protect human health and the environment for 200,000 people on reservations in the Pacific Northwest. The FARR will also:

- Establish federal air quality rules where EPA-approved state or tribal air quality programs do not exist
- Make air quality standards on reservations consistent with standards off of reservations
- Build capacity for tribes to develop tribal air programs.

Fact Sheet Series

The FARR includes 16 rules that address various air quality issues:

- 49.122 Partial Delegation of Administrative Authority to a Tribe
- 49.124 Visible Emissions
- 49.125 Particulate Matter
- 49.126 Fugitive Particulate Matter
- 49.127 Woodwaste Burners
- 49.128 Particulate Matter Emissions from Wood Products Industry Sources
- 49.129 Sulfur Dioxide
- 49.130 Sulfur Content of Fuels
- 49.131 Open Burning
- 49.132 General Open Burning Permits
- 49.133 Agricultural Burning Permits
- 49.134 Forestry and Silvicultural Burning Permits
- 49.135 Emissions Detrimental to Public Health or Welfare
- 49.136 [Reserved]
- 49.137 Air Pollution Episodes
- 49.138 Registration of Air Pollution Sources and Report of Emissions
- 49.139 Rule for Non-Title V Operating Permits

What is the purpose of this rule?

The Rule for Agricultural Burning Permits sets up a permit program for agricultural burning on the Nez Perce Indian Reservation and on the Umatilla Indian Reservation. People on these reservations who want to perform agricultural burning will need to get a permit. Agricultural burning is the burning of crop or other vegetation from agricultural activities. Agricultural burning includes, but is not limited to, windrow burning, ditch burning, stubble burning, and field sanitation. Agricultural burning may be performed to prevent disease, control pests, rotate crops, or for crop reproduction.

Why is this rule important?

Agricultural burning is a form of open burning. Open burning releases many toxic chemicals into the air, including dioxins. Dioxins can cause many health problems, such as cancer. Smoke from open burning also contains pollutants such as particulate matter, sulfur dioxide, lead, and mercury. These pollutants can increase cases of asthma, emphysema, and other respiratory diseases. EPA's goal is to reduce this kind of air pollution by eliminating agricultural burning where other methods are available and practical. If other methods are not available, the EPA encourages using burning methods that have the least impact on human health and the environment.

Using permits for agricultural burning on the Nez Perce Indian Reservation and the Umatilla Indian Reservation will allow the EPA to manage air quality on these reservations more effectively.

To whom does this rule apply?

This rule is for the Nez Perce Indian Reservation and the Umatilla Indian Reservation only. EPA has been working with these tribes to manage burning through intergovernmental agreements. Because of this experience, EPA decided to set up agricultural burning permit programs on these reservations before considering programs on other reservations. Therefore, the Rule for Agricultural Burning Permits applies to anyone who conducts agricultural burning within the Nez Perce Indian Reservation and within the Umatilla Indian Reservation.

What are the requirements of this rule?

Anyone conducting agricultural burning must first get a permit. This rule describes the requirements for applying for the permit and getting approval for the permit. People on the Nez Perce Reservation must get permits starting on June 7, 2005. People on the Umatilla Indian Reservation must get permits starting on January 1, 2007. There will be specific instruction sheets and permit applications available for each of the affected reservations.

***What are the requirements of this rule?
(continued).***

To get an agricultural burning permit, a permit application must be completed and submitted to the EPA. On the day of the burn, approval of the permit must be obtained. At that time, the permit will be effective.

The application will ask for the following information:

- Street address or legal description of the property where the burning will take place.
- Name, mailing address, and telephone number of the person applying for the permit and the person who will be responsible for the agricultural burning.
- A map or plan showing the location of the burn and property lines. Distances and directions to the nearest residential, public, and commercial properties; roads; and other areas that could be affected by the agricultural burning must be shown.
- A list of the type and amount of agricultural wastes to be burned. An estimate of weight of material to be burned and an estimate of the area over which the burn will take place must also be included.
- A description of the burning methods to be used and the amount of material to be burned using each method. (For example, 2 tons to be burned using a stack burn and 100 acres to be burned using a broadcast burn.)
- A description of how burns will be prevented from escaping. The availability of water and the use of plowed firebreaks must be described.
- The desired date or dates of the agricultural burn.
- Any other information requested on the application.

Several factors will be considered before the application is approved. The agricultural burning must comply with the General Rule for Open Burning. (See separate fact sheet for more information on this rule.) Other factors that will be considered include the size and location of the burn; how long the burn will last; expected air quality conditions; expected weather conditions; and whether other burns are scheduled in the area.

If the application is approved, the EPA will issue a permit. On the day of the agricultural burn, the EPA will approve the permit for burning, and the burning will be allowed. The permit will include specific conditions for the agricultural burn, and the burn must be carried out according to the conditions listed in the permit. The requirements of the FARR General Rule for Open Burning will also apply. The permit must be available on-site during the burning.

When does this rule take effect?

This rule is effective June 7, 2005. The final rule was published in the *Federal Register* on April 8, 2005 (67 FR 18074).

Where can the public get more information about this rule?

The final rule is available at the EPA Region 10 FARR website www.epa.gov/r10earth/FARR.htm. The FARR website provides additional background information on the rule and implementation of the FARR. The FARR Hotline is available at 1-800-424-4EPA to provide information, permit forms and respond to questions.